

United States District Court for the Southern District of Iowa

Presiding: Honorable Rebecca Goodgame Ebinger

Case No. 4:15-cv-00050

: Clerk's Court Minutes – Pretrial Conference

Plaintiff(s)

: Defendant(s)

DUSTIN BURNIKEL

: MICHAEL FONG; GREG WESSELS; CITY
: OF DES MOINES

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Plaintiff(s) Counsel: Justin K. Swaim; James Wyrsh; Javad Khazaeli; Kiara Nayo Drake

Defendant(s) Counsel: John O. Haraldson

Court Reporter: Terri Martin

: Interpreter: N/A

Motion(s) for Ruling:

Ruling / Ruling Reserved

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Proceedings:

Parties present. Court addresses pretrial issues. Court asks parties to submit a proposed joint statement of the case for Phase II. Court addresses issue of timing of presentation of evidence of punitive damages. Court orders evidence of punitive damages will be presented during Phase II. Defense presents argument regarding punitive damages. Court addresses issue of recent of Iowa Supreme Court precedent brought to the Court's attention by the Plaintiff. Court addresses the issue of jury instructions regarding stipulated facts; Court will read the instructions regarding stipulated facts at the beginning of the plaintiff's case. Court instructs parties as to how final jury instructions will be determined. Parties present arguments regarding proposed voir dire questions. Court addresses issue of playing video of expert testimony and demonstratives. At 9:05 a.m., Court recesses.

Time in Court: 31 min.

Time Start: 8:34 am

Time End: 9:05

Date: Nov. 13, 2018

/s/ Helen Marie S. Berg

Deputy Clerk